



**UNITED STATES DEPARTMENT OF COMMERCE**

## Patent and Trademark Office

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APPLICATION NO.    FILING DATE    FIRST NAMED INVENTOR    ATTORNEY DOCKET NO.

EXAMINER

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ART UNIT	PAPER NUMBER
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**DATE MAILED:**

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

<b>Office Action Summary</b>	Application No. <b>08/841,027</b>	Applicant(s) <b>GAGGAR ET AL</b>
	Examiner <b>VERONICA HOKE</b>	Group Art Unit <b>1714</b>
		

Responsive to communication(s) filed on Jan 12, 1998

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire THREE month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

#### Disposition of Claims

Claim(s) 1-7, 9, and 10 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) 1-7, 9, and 10 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claims \_\_\_\_\_ are subject to restriction or election requirement.

#### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None  of the CERTIFIED copies of the priority documents have been received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

Interview Summary, PTO-413

Patent Drawing Review, PTO 948

... SEE OFFICE ACTION ON THE FOLLOWING PAGES ...

Art Unit: 1511

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 2-7, 9 and 10 remain rejected under 35 U.S.C. 103(a) as being unpatentable over any one of Gosens. et al, Yang et al and Buysch et al for the reasons of record.

3. Since the raison d'etre of the ABS component's presence is to improve impact strength in PC resins (Yang et al - col. 1, lines 34-41) and the concentrations of each of the instant stipulated components is within each reference's ranges, it is immaterial whether ancillary to that particular benefit, it is obtained after aging at 63 C and 100 % relative humidity or not. Yang et al in Table 1, example 3, relates 80 parts **PC** / 114 parts total composition's weight = **61.4 %**; 18 parts ABS of which  $\frac{1}{2}$  is **DIENE RUBBER** = 9 parts / 114 parts total composition = **7.8 %**; 17 parts **PHOSPHATE** = **14.9 %**; and 1.0 parts **TEFLON** = **.87 %**. All of applicnats' claims' limitations are met.

4. The above comparative analysis is equally applicable in comparing the claims' limitations to the compositions of Gosens et al or Buysch et al, as well.

5 **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as

Art Unit: 1511

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

*Cherene J. Ifshk*  
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vph

April 27, 1998

703 308-2444